UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,689	10/11/2005	Shinya Kobayashi	064099-5001US	8730

9629   7590   10/01/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
10/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2005*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 9-14* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6 and 9-14* is/are rejected.
7)☒ Claim(s) *2 and 6* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *26 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/26/05, 6/24/05, 10/11/05, 12/21/05.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The specification is objected to because the material starting from page 3, line 10, and ending on page 7, line 15, appears to be essentially a verbatim repetition of the claims. There is no need to repeat that which can be found elsewhere in its entirety. The purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention; see MPEP § 608.01(d). Appropriate correction is required.

Claim Objections

Claim 3 is objected to because of the following informalities:

With regards to claim 3, the term "a plurality of unit devices allocated in single removable device" appears to have a type by missing an "a" and perhaps should read "a plurality of unit devices allocated in *a* single removable device". Also, the term "hub unit" in line 4 might read better if it was replaced with "a hub unit". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, the term "a removable device which is attached/detached to/from a universal peripheral device interface of a computer executing an automatic startup script stored in a device of a specified type when the device is connected thereto" renders the

claim indefinite since it's not clear as to what element (the removable device or the computer) executes the automatic startup script nor what element (the removable device or the computer) is connected to (or includes) the device that stores said automatic startup script.

With further regards to claim 1, the term "a computer" in lines 2 and 8 render the claim indefinite since it's not clear if the second "a computer" term is referring to the first instance or if it's a new instance. Also, the term "an automatic startup script" in lines 2 and 7-8 render the claim indefinite since it's not clear if the second "an automatic startup script" term is referring to the first instance or if it's a new instance. In line 8, the term "the storage device" lacks antecedent basis, and in line 9, the term "the device" is not clear if it's referring to the "a removable device" from line 1, "a device" from line 3, or to "the storage device" from line 8.

With regards to claim 6, the term "the files contained therein" in line 9 renders the claim indefinite since it's not clear if the files are stored in the storage device or the removable disk or the trash bin.

Due to claims 2-6 and 9-10, being dependent from claim 1, they suffer from the same deficiencies and thus are rejected under the same rationale.

With regards to claim 11, the term "a program" in lines 1 and 7 render the claim indefinite since it's not clear if the second recitation of the term is a new instance of a program or if it's referring to the program from line 1 or to the detection program from line 2. Also, in lines 3 and 6-7, the term "an automatic startup script" renders the claim indefinite since it's not clear if the second "an automatic startup script" term is referring to the first instance or if it's a new instance. Furthermore, the term "a computer" in lines 3-4 and 5 render the claim indefinite since it's not clear if the second "a computer" term is referring to the first instance or if it's a new instance.

With further regards to claim 11, the term "executing the detection program a computer in advance" in line 5 is not clear since it appears to make the computer execute the detection program before the removable device is coupled to the computer thus creating the problem of executing the detection program before it is even installed.

With regards to claim 13, due to it's similarities to claim 1, it is rejected under the same rationale.

Due to the vagueness and a lack of clear definiteness in the claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,5,11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication No. US 2002/0003576 A1 to Konishi et al. (hereinafter Konoshi).

Claim 1, Konoshi teaches a removable device [fig 28 element 11] which is attached/detached to/from a universal peripheral device interface [fig 28 element 13 includes a USB interface such as element 123 in order to communicate via the USB connection] of a computer [fig 28 element 13] executing an automatic startup script stored in a device of a specified type when the device is connected thereto [paragraphs 134-135], comprising:

a ROM or a read-writable storage device as a main storage device [fig 28 element 121 or 122]; and

a simulation unit [fig 28 element 119] configured to return a signal [fig 28 arrow element labeled "response"] indicating that the device is of a specified type in which an automatic startup

script [fig 28 element 119b/119a] is stored in the storage device and executed by a computer to which the device is attached, in response to an inquiry signal [fig 28 arrow element labeled "request"] concerning the type of the device sent from the computer upon connection to the universal peripheral device interface [paragraph 135].

With regards to claim 3, Konoshi teaches the removable device according to claim 1, further comprising:

a plurality of unit devices allocated in single removable device [fig 28 elements 121 and 122]; and

hub unit configured to allocate data exchange with the computer side to each of the unit devices [fig 28 element 119].

With regards to claim 5, Konoshi teaches the removable device [fig 28 element 11] according to any of claims claim 1, wherein an auto-starting program [fig 28 element 119b] launched by the automatic startup script [fig 28 element 119a] is stored in the storage device in advance [fig 28 elements 119a/119b are stored in element 119], and

the auto-starting program establishes associations between desired file extensions and desired programs on a temporary basis only while the removable device is in use [paragraphs 134-135].

With regards to claim 11, Konoshi teaches a method for launching a program [paragraphs 134-135], comprising:

executing an installer program [fig 28 element 119a] for installing a detection program [fig 28 element 119b], which is stored in a removable device [fig 28 element 11] attached/detached to/from a universal peripheral device interface of a computer [fig 28 element 13 includes a USB interface such as element 123 in order to communicate via the USB

connection] of a computer [fig 28 element 13], such that the detection program is installed in the computer [paragraphs 134-135];

executing the detection program a computer in advance [paragraphs 134-135]; and

launching, when the removable device is attached to a universal peripheral device interface of the computer, a program corresponding to specified data in the removable device by the detection program [paragraphs 134-135].

With regards to claim 13, Konoshi teaches a removable device [fig 28 element 11] which is attached/detached to/from a universal peripheral device interface [fig 28 element 13 includes a USB interface such as element 123 in order to communicate via the USB connection] of a computer [fig 28 element 13] executing an automatic startup script stored in a device of a specified type when the device is connected thereto [paragraphs 134-135], comprising:

a ROM or a read-writable storage device as a main storage device [fig 28 element 121 or 122]; and

means for returning a signal [fig 28 element 119, fig 28 arrow element labeled "response"] indicating that the device is of a specified type in which an automatic startup script [fig 28 element 119b/119a] is stored in the storage device and executed by a computer to which the device is attached, in response to an inquiry signal [fig 28 arrow element labeled "request"] concerning the type of the device sent from the computer upon connection to the universal peripheral device interface [paragraph 135].

Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,353,885 to Herzi et al. (hereinafter Herzi).

With regards to claim 12, Herzi teaches a removable device [fig 1 elements 24, 28] attached/detached to/from a universal peripheral device interface [fig 1 element 26 – column 2 lines 54-60] of a computer [fig 1 element 10], comprising:

a ROM or read-writable storage device as its main storage device [fig 1 element 28];

a boot controller configured to send a reply representing a flexible disk drive in response

to access from a BIOS of the computer via the universal peripheral device interface and to boot

the computer by providing information stored in the storage device and used for starting an

operating system of the computer [column 2 lines 8-19, column 3 lines 54-64, column 4 lines 4-

51, column 6 lines 41-62].

With regards to claim 14, Herzi teaches a removable device [fig 1 elements 24, 28]

attached/detached to/from a universal peripheral device interface [fig 1 element 26 – column 2

lines 54-60] of a computer [fig 1 element 10], comprising:

a ROM or read-writable storage device as its main storage device [fig 1 element 28]; and

means for sending a reply representing a flexible disk drive in response to access from a

BIOS of the computer via the universal peripheral device interface and booting the computer by

providing information stored in the storage device and used for starting an operating system of

the computer [column 2 lines 8-19, column 3 lines 54-64, column 4 lines 4-51, column 6 lines

41-62].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent Application Publication No. US 2002/0003576 A1 to Konishi et al. (hereinafter Konoshi)

in view of US Patent No. 6,088,802 to Bialick et al. (hereinafter Bialick).

With regards to claim 4 the removable device [fig 28 element 11] according to any one of claims claim 1, wherein an auto-starting program [fig 28 element 119b] launched by the automatic startup script [fig 28 element 119a] is stored in the storage device in advance [fig 28 elements 119a/119b are stored in element 119]. Konoshi teaches all of the above limitations but is silent as to the auto-starting program, along with performing password-based authentication, performs, or lets the removable device perform, at least either formatting of specified data or termination of the program when an incorrect password is entered a predetermined number of times. However, Bialick teaches a program, along with performing password-based authentication, performs, or lets a removable device perform, at least either formatting of specified data or termination of the program when an incorrect password is entered a predetermined number of times for the benefit of providing authorized use of the peripheral device or for preventing unauthorized use of the peripheral device [Bialick column 10 lines 45-61].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Konoshi and Bialick to have the auto-starting program, along with performing password-based authentication, performs, or lets the removable device perform, at least either formatting of specified data or termination of the program when an incorrect password is entered a predetermined number of times for the benefit of providing authorized use of the removable device or for preventing unauthorized use of the removable device [Bialick column 10 lines 45-61].

With regards to claim 9, Konoshi teaches the removable device [fig 28 element 11] according to claim 1 wherein an auto-starting program [fig 28 element 119b] launched by the automatic startup script [fig 28 element 119a] is stored in the storage device in advance [fig 28 elements 119a/119b are stored in element 119]. Konoshi teaches all of the above limitations

but is silent as to the execution of the auto-starting program is preconditioned by password-based authentication. However, Bialick teaches execution of a program on a peripheral device being preconditioned by password-based authentication for the benefit of providing authorized use of the peripheral device or for preventing unauthorized use of the peripheral device [Bialick column 10 lines 45-61].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Konoshi and Bialick to have the execution of the auto-starting program be preconditioned by password-based authentication for the benefit of providing authorized use of the removable device or for preventing unauthorized use of the removable device [Bialick column 10 lines 45-61].

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0003576 A1 to Konishi et al. (hereinafter Konoshi) in view of US Patent Application Publication No. US 2003/0174167 A1 to Poo et al. (hereinafter Poo).

With regards to claim 10, Konoshi teaches the removable device [fig 28 element 11] according to claim 1, wherein an auto-starting program [fig 28 element 119b] launched by the automatic startup script [fig 28 element 119a] is stored in the storage device in advance [fig 28 elements 119a/119b are stored in element 119]. Konoshi teaches all of the above limitations but is silent as to the auto-starting program is an electronic mail program which, along with operating based on account information contained in the removable device, stores sent and received electronic mail data in the removable device. However, Poo teaches a peripheral device having a program being an electronic mail program which, along with operating based on account information contained in the removable device, stores sent and received electronic mail data in the removable device [Poo – abstract, paragraphs 16-21] for the benefit of enabling

users to access, view and send email using any PC connected to a network [Poo - paragraph

15].

It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the teachings of Konoshi and Poo to have the auto-starting program be an electronic

mail program which, along with operating based on account information contained in the

removable device, stores sent and received electronic mail data in the removable device [Poo –

abstract, paragraphs 16-21] for the benefit of enabling users to access, view and send email

using any PC connected to a network [Poo - paragraph 15].

Allowable Subject Matter

Claims 2 and 6 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of

the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With regards to claim 2, the prior art alone or in combination fail to teach wherein the

simulation unit returns an absence signal representing an absence of media at least once, and

then returning returns a presence signal representing a presence of the media in response to

inquiry signals as to a presence of media repeated via the universal peripheral device interface,

in combination with the other limitations found in the claim.

With regards to claim 6, the prior art alone or in combination fail to teach wherein an

auto-starting program launched by the automatic startup script is stored in the storage device in

advance, and the auto-starting program is configured: to handle files that have been deleted in a

storage area of the storage device recognized as a removable disk by the computer as

candidate files marked for deletion in a trash bin specific to the removable disk, and with respect

to the candidate files marked for deletion, to accept and execute an operation of displaying the.

files contained therein, an operation of restoring a desired file, and an operation of completely

erasing some or all of the files, in combination with the other limitations found in the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US Patent Application Publication No. 2003/0233533 A1 to Avraham teaches executing

boot code from memory to boot a machine.

US Patent No. 6,654,797 to Kamper teaches storing boot information in a smartcard for

a computer to use when booting up.

US Patent Application Publication No. 2003/0226006 to Ballard teaches loading up boot

code from flash memory when starting up a computer.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to DAVID E. MARTINEZ whose telephone number is (571)272-4152. The

examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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